

ELISA HYMAN, P.C.

November 23, 2022

BY ECF

Hon. Jennifer L. Rochon, United States District Judge
U.S. District Court – Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *E.W. v. NYC Dep't of Educ., et al.*, No. 21-cv-1140 (JLR)

Dear Judge Rochon:

I represent the Plaintiff in the above-referenced action and write jointly with counsel for the Defendants pursuant to Your Honor's Order, dated October 13, 2022. Dkt. No. 51. In addition to providing a status report on this case, the parties respectfully request a 60-day stay of discovery to allow additional time for settlement.

As Your Honor may recall, Plaintiff E.W. is the parent of Z.K., a 19-year-old young man with epilepsy who suffers from severe and frequent seizures, which has significantly impacted his education. Plaintiff's complaint raises a number of individual and systemic claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, *inter alia*, concerning Z.K.'s education over several school years. In particular, Plaintiff alleges that Defendants failed to implement administrative orders and thus provide a free appropriate public education ("FAPE") to Z.K. during the 2015–16 through 2017–18 school years ("SYs at Issue"). Defendants dispute Plaintiff's claims generally and raised defenses in their Answer, which are incorporated by reference herein.

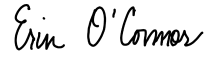
The parties have continued to engage in settlement discussions, and, while we believe we are close and most likely will be able to settle, we have not yet reached a final agreement on all aspects of the settlement. The parties have exchanged drafts of a proposed Stipulation of Settlement. At this time, Defendants need additional time to review the most recent working draft of the Stipulation of Settlement and provide a substantive response concerning specific terms. The parties, however, remain optimistic about our ability to reach an agreement and settle this matter. As noted previously, the parties will request the assistance of the assigned Magistrate Judge if we are unable to resolve the matter amongst ourselves. The parties have successfully negotiated many cases, without the need for court intervention or assistance, and believe we can do so here.

In our last letter to the Court, the parties sought, and Your Honor granted, a 45-day extension of the Case Management Plan ("CMP") to allow the parties time to engage in settlement discussions. Dkt. Nos. 50, 51. The parties agreed to extend the time to serve our initial discovery requests so that we could focus on settlement and not increase our attorneys' fees unnecessarily. We are mindful, however, that the revised CMP calls for the close of fact discovery by January 30, 2023. Dkt. No. 51. In order to maintain our focus on settlement and to keep fees down, the parties respectfully request a 60-day stay of the discovery schedule outlined in the revised CMP.

Dkt. Nos. 48, 51. The parties propose submitting a status report no later than January 18, 2023, before the proposed discovery stay, if granted, expires, to report on our progress in reaching a settlement.

We thank the Court for its consideration of this request and wish the Court and its staff a happy holiday.

Respectfully Submitted,



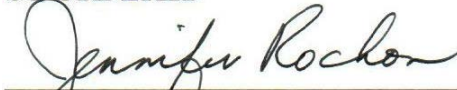
Erin O'Connor, Of Counsel
The Law Office of Elisa Hyman, P.C.
Counsel for the Plaintiff

cc: Wynne Ngo, Esq., *Counsel for the Defendants*, via ECF

The request is DENIED and the parties are ordered to appear for a status conference on December 14, 2022 at 11:30 AM in Courtroom 20B of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY, 10007. This case was filed in February 2021 and the parties have received 7 extensions, including an extension on July 20, 2022 that admonished that further extensions would not be granted "absent extraordinary circumstances." *See* ECF No. 46.

Dated: November 28, 2022
New York, New York

SO ORDERED



JENNIFER L. ROCHON
United States District Judge